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FISCAL IMPACT STATEMENT

LS 7089

BILL NUMBER: HB 1698

NOTE PREPARED: Jan 25, 2007

BILL AMENDED:

SUBJECT: Indiana board of tax review appeals.

FIRST AUTHOR: Rep. Smith M

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: No fiscal impact

Summary of Legislation: This bill provides that the Administrative Orders and Procedures Act applies to the formulation, issuance, or administrative review of final determinations of the Indiana board of tax review.

Effective Date: July 1, 2007.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues: Under current law, a taxpayer may appeal a county or township official assessment of the taxpayer's property to the County Property Tax Assessment Board of Appeals (PTABOA). If the taxpayer is dissatisfied with the ruling of the PTABOA, the taxpayer can appeal the ruling to Indiana Board of Tax Review (IBTR). The IBTR conducts hearings, weighs evidence, and if necessary, may also conduct a site inspection as part of its review of the taxpayer's petition. It can correct any errors that may have been made and adjust the assessment accordingly.

If the IBTR fails to make a final determination regarding the assessment of that taxpayer's tangible property within the time allowed, the taxpayer may take no action and wait for the IBTR to make a final determination or, petition for a judicial review. After the IBTR makes a final determination, the taxpayer may also petition the Indiana Tax Court for a review of that determination regarding the property assessment. Judicial reviews

are governed by the judicial review chapter of the Administrative Orders and Procedures Act (AOPA). This act stipulates that a person may file a petition for judicial review under this chapter only after exhausting all administrative remedies available within the IBTR. In other words, one can assume that if a taxpayer has petitioned for a judicial review of an IBTR determination, either the time limit for the agency to issue a final determination has expired, or the taxpayer has exhausted all other administrative actions.

The AOPA outlines the rules and procedures for agencies conducting administrative and judicial reviews. Under current law, this act does not apply to the formulation, issuance, or administrative review of the final determinations of the IBTR; it does, however, apply to judicial review. Under this proposal, after June 30, 2007, the act would also apply to the administrative review of the final determinations of the IBTR.

There should be no fiscal impact on local taxing units.

State Agencies Affected: Indiana Board of Tax Review.

Local Agencies Affected:

Information Sources:

Fiscal Analyst: David Lusan, 317-232-9592.